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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/614,711	07/07/2003	Michael D. Goehring	GOE-0703	7941

7590 12/29/2004  
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EXAMINER
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HUNNINGS, TRAVIS R

ART UNIT	PAPER NUMBER
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2632

DATE MAILED: 12/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/614,711

Applicant(s)

GOEHRING, MICHAEL D.

Examiner

Travis R Hunnings

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 07 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 July 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION*****Drawings***

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the claimed jack receptacle and jack device being magnetically held in position, as claimed in claims 9, 17 and 20 must be shown or the feature(s) canceled from the claim(s). The claimed magnetic switch as claimed in claim 17 must be shown or the feature canceled from the claim. No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will

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be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Specification***

1. The disclosure is objected to because of the following informalities: the "soft plastic pendant" referred to on page 8 of the specification is incorrectly referenced with reference number 23.

Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 4 and 11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
4. Regarding claims 4 and 11, the word "generally" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1, 2 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Majmudar (US Patent 5,512,881) in view of Dance (US Patent 6,310,553).

Regarding claim 1, Majmudar discloses the following claimed limitations:

The claimed two-way radio system comprising at least a first radio apparatus and a second radio apparatus is met by the personal alarm apparatus (10) including a transmitter (12) of a sound or audible wave and a receiver (16; col3 1-43);

The claimed first radio apparatus having means to automatically activate a signal for sending to said second radio apparatus is met by the plug (26) being pulled out of the casing (20) to activate the transmitter (col3 1-43);

The claimed means to activate comprising a jack receptacle incorporated into the circuitry of said first radio apparatus is met by the plug being insertable in a jack (142; col8 51-65);

The claimed jack device having a toggle device connected thereto is met by the rip cord loop (28; col9 35-43);

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See figures 1, 2, 6 and 7.

However, Majmudar is silent on the claimed toggle device being constructed and arranged to be held between the teeth of a trained service dog, whereby upon the removal of said jack by the service dog causes a signal to be send to said second radio. Dance discloses *Positioning Means* that teaches a device with a pull mechanism having a tag that can be pulled using the teeth of a trained dog to activate the device (col2 65-67). By modifying the rip cord loop of Majmudar to be able to be held between the teeth of a trained service dog so that the service dog would be able to activate the alarm by removing the jack, the device would more flexible in operation, especially when in use by the blind or elderly people who use service dogs to help them. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the device disclosed by Majmudar according to the teachings of Dance to modify the rip cord loop to be held in the mouth of a trained service dog for removal and activation of the alarm device.

Regarding claim 2, Majmudar and Dance disclose all of the claimed limitations.

The claimed toggle device being a length of flexible cotton rope is met by the rip cord loop being composed of nylon or other suitable material (col9 35-43). A flexible piece of cotton rope would be considered a suitable material for someone of ordinary skill in the art.

Regarding claim 10, Majmudar and Dance disclose all of the claimed limitations.

The claimed first radio apparatus having means for attachment to a user of the system is met by the hole (18) being attached to a key chain that would be able to be attached to a user of the system (col3 6-8).

7. Claims 3 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Majmudar in view of Dance and further in view of Chen (US Patent 5,903,219).

Regarding claim 3, Majmudar and Dance disclose the claimed first radio having an attachment device connected thereto for attachment to a person with the hole (18) being attached to a key chain that would be able to be attached to a user of the system (col3 6-8).

However, Majmudar and Dance are silent on the claimed toggle device having an attachment device constructed and arranged for connection to a wheelchair. Chen discloses *Personal Security Device* that teaches a toggle device with a swivel hook (21) that could be hooked to other devices, including a wheelchair (col2 55-56). It would be beneficial to add a swivel hook to the rip cord loop of Majmudar in order to allow the device to be hooked to something valuable that might be stolen, so that when the device was stolen, the toggle device would pull out the jack and sound the alarm, thereby alerting the user. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the device disclosed by Majmudar and

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Dance according to the teachings of Chen to include a swivel hook on the end of the rip cord loop to be able to attach the alarm device to other devices.

Regarding claim 8, the claim is interpreted and rejected as claim 3 stated above.

8. Claims 4, 5, 6, 11, 12, 14, 16 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Majmudar in view of Dance and further in view of King et al. (King; US Patent 6,415,158).

Regarding claim 4, Majmudar and Dance disclose all the claimed limitations except for the claimed first and second radio apparatus each further have a talk button, a microphone and a speaker. King discloses *Dual Mode Mobile Phone Operating as a Two-Way Radio* that teaches a communication device that has a push-to-talk button, a microphone, and a speaker for communicating with other communication devices (col2 13-14 and col4 35-37). Adding a communication system as taught by King to the device disclosed by Majmudar and Dance, including a push-to-talk button, a speaker and a microphone, would allow the user to be able to communicate with the second radio device in the event of an alarm and therefore provide more information about what caused the alarm. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the device disclosed by Majmudar and Dance according to the teachings of King to include a push-to-talk button, a speaker and a microphone.



The claimed means to activate said apparatus further comprising a generally horizontally disposed switch structure having a movable conductive member and conductive end portions, said conductive end portions being incorporated into said circuitry of said one radio apparatus to thereby activate a signal is met by the manual push button (Majmudar; 216) being provided for manual activation of the alarm. The placement of the push button is not considered as part of the inventive step as no matter where the button is placed, the same function is derived from it.

Regarding claim 5, Majmudar and Dance disclose all the claimed limitations except for the claimed first and second radio apparatus being FM radios. King teaches the two-way radio communication over FM channels (col5 25-30). It would be cost efficient to communicate over FM channels because FM communication is well known in the art and components that operate on those channels are readily available. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the device disclosed by Majmudar and Dance according to the teachings of King to operate the first and second radio devices on the FM spectrum. The devices being "FM radios" is interpreted to mean that the communication from transmitter to receiver from one radio apparatus to the second radio apparatus is done over the FM band.

Regarding claim 6, Majmudar and Dance disclose all the claimed limitations except for the claimed first and second radio apparatus having a channel lock button

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and wherein said first and second radios are locked to operate on one FM channel.

King teaches a channel select button (29) that allows the user to change the frequency used for two-way radio communication (col4 46-53). A channel select button would be a beneficial addition to the device by allowing a changing of communication frequency in case there were already other devices using that particular frequency. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the device disclosed by Majmudar and Dance according to the teachings of King to include a channel lock button to lock on to a particular communication channel.

Regarding claim 11, the claim is interpreted and rejected as claim 4 stated above.

Regarding claim 12, Majmudar, Dance and King disclose all of the claimed limitations. The claimed toggle device being a length of flexible cotton rope is met by the rip cord loop being composed of nylon or other suitable material (col9 35-43). A flexible piece of cotton rope would be considered a suitable material for someone of ordinary skill in the art.

Regarding claim 14, the claim is interpreted and rejected as claim 6 stated above.

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Regarding claim 16, Majmudar, Dance and King disclose all the claimed limitations. The claimed length of flexible rope having a pendant connected thereto is met by the tag (Dance; 5) that the dog can pull with its mouth (Dance; col2 65-67). The term "pendant" is interpreted to mean anything attached to the jack that can facilitate the operation of pulling the jack out by the trained service dog.

Regarding claim 18, Majmudar, Dance and King disclose all of the claimed limitations. The claimed first radio apparatus having means for attachment to a user of the system is met by the hole (18) being attached to a key chain that would be able to be attached to a user of the system (col3 6-8).

9. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Majmudar in view of Dance and further in view of Narcisse (4,593,273).

Regarding claim 7, Majmudar and Dance disclose all the claimed limitations except for the claimed emergency alert system further comprising a perimeter signal and wherein said one radio apparatus has means to receive said perimeter signal, said means to receive being incorporated in said circuitry of said one radio apparatus to activate said signal sending means. Narcisse discloses *Out-Of-Range Personnel Monitor and Alarm* that teaches a transmitter and receiver pair that includes an alarm that is activated on the receiver once the unit carrying the receiver reaches a certain distance away from the transmitter (col1 30-48). Adding the transmitter and receiver

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pair to the radio devices of Majmudar and Dance would allow for a secondary condition to monitor users, especially elderly who might wander into potentially unsafe areas.

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the device disclosed by Majmudar and Dance according to the teachings of Narcisse to include a transmitter and receiver that would transmit and receive a signal that indicated a perimeter of an area to stay within.

10. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Majmudar in view of Dance and further in view of An (International Application Publication WO 03/084004).

Regarding claim 9, Majmudar and Dance disclose all the claimed limitations except for the claimed jack receptacle and jack device being magnetically held in position. An discloses *Contact Type Plug-Jack* that teaches a jack receptacle and jack plug that are magnetically held in place (page 2). Using a magnet to hold the jack plug in the jack receptacle would decrease on false alarms by more reliably holding the plug in place. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the device disclosed by Majmudar and Dance according to the teachings of An to hold the jack plug in the jack receptacle magnetically.

11. Claims 13 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Majmudar in view of Dance and further in view of King and further in view of Chen.

Regarding claim 13, Majmudar, Dance and King disclose all the claimed limitations. The claimed first radio apparatus having an attachment device connected thereto for attachment to a person is met by the hole (Majmudar; 18) being attached to a key chain that would be able to be attached to a user of the system (Majmudar; col3 6-8).

However, Majmudar, Dance and King are silent on the claimed toggle device having an attachment device constructed and arranged for connection to a wheelchair. Chen teaches a toggle device with a swivel hook (21) that could be hooked to other devices, including a wheelchair (col2 55-56). It would be beneficial to add a swivel hook to the rip cord loop of Majmudar in order to allow the device to be hooked to something valuable that might be stolen, so that when the device was stolen, the toggle device would pull out the jack and sound the alarm, thereby alerting the user. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the device disclosed by Majmudar, Dance and King according to the teachings of Chen to include a swivel hook on the end of the rip cord loop to be able to attach the alarm device to other devices.

Regarding claim 19, the claim is interpreted and rejected as claim 13 stated above.

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12. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Majmudar in view of Dance and further in view of King and further in view of Narcisse.

Regarding claim 15, Majmudar, Dance and King disclose all the claimed limitations except for the claimed emergency alert system further comprising a perimeter signal and wherein said one radio apparatus has means to receive said perimeter signal, said means to receive being incorporated in said circuitry of said one radio apparatus to activate said signal sending means. Narcisse teaches a transmitter and receiver pair that includes an alarm that is activated on the receiver once the unit carrying the receiver reaches a certain distance away from the transmitter (col1 30-48). Adding the transmitter and receiver pair to the radio devices of Majmudar and Dance would allow for a secondary condition to monitor users, especially elderly who might wander into potentially unsafe areas. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the device disclosed by Majmudar, Dance and King according to the teachings of Narcisse to include a transmitter and receiver that would transmit and receive a signal that indicated a perimeter of an area to stay within.

13. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Majmudar in view of Dance and further in view of King and further in view of An.

Regarding claim 17, Majmudar, Dance and King disclose all the claimed limitations except for the claimed jack receptacle and jack device being magnetically held in position. An teaches a jack receptacle and jack plug that are magnetically held in place (page 2). Using a magnet to hold the jack plug in the jack receptacle would decrease on false alarms by more reliably holding the plug in place. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the device disclosed by Majmudar, Dance and King according to the teachings of An to hold the jack plug in the jack receptacle magnetically.

The term "magnetic switch" is interpreted as in the specification as a magnetic force holding the jack plug in the jack receptacle.

14. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Majmudar in view of Dance and further in view of King and further in view of Chen and further in view of An.

Regarding claim 20, Majmudar, Dance, King and Chen disclose all the claimed limitations except for the claimed jack receptacle and jack device being magnetically held in position. An teaches a jack receptacle and jack plug that are magnetically held in place (page 2). Using a magnet to hold the jack plug in the jack receptacle would decrease on false alarms by more reliably holding the plug in place. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify

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the device disclosed by Majmudar, Dance King and Chen according to the teachings of An to hold the jack plug in the jack receptacle magnetically.

### **Conclusion**

15. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

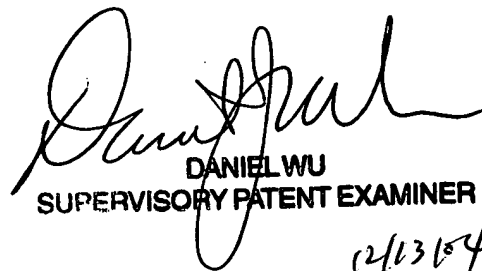
MacConnell et al. *Emergency Locator System* US Patent 6,275,164

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Travis R Hunnings whose telephone number is (571) 272-3118. The examiner can normally be reached on 8:00 am - 5:00 pm M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel J Wu can be reached on (571) 272-2964. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Travis Hunnings



DANIEL WU  
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12/13/04